

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138137/FO/2023

Date registered valid: 11 October 2023

Proposal: Temporary planning permission for installation/relocation of 34no. catering/retail/activation/WC units around the ring road and south east car park of the Etihad stadium for a period of 4 years due to North Stand redevelopment works.

Address: Manchester City Football Club Ltd, Etihad Stadium, Ashton New Road, Manchester, M11 3FF

Ward(s): Ancoats & Beswick Ward

Applicant: Mr Michael Gizauskas Manchester City Football Club

Agent (if any): SpaceInvader Design

Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 28/11/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 17 October 2023 Expired: 7 November 2023

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the Etihad's external concourse that encircles the aforementioned stadium and is comprised of hard standing. The concourse provides pedestrian and vehicular access to the Etihad, as of the time of this report it's northern end is fenced off due to ongoing improvement works to the stadium's north stand. The concourse features various catering units that serve the stadium on match/event days (Originally approved under application 132161/FO/2021). The south-east corner of the site includes a surface car park known as the "Grey Car Park".

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The neighbouring area is characterised largely by the Etihad Campus, which the application site forms part of. The campus is largely characterised by the aforementioned stadium, with it dominating the neighbouring area through its sheer sense of scale and architectural points of interest, this being its continuous wave roof structure and spiral entrances. Smaller ancillary buildings, including the Manchester Regional Arena and National Squash Centre are present to the north of the site. The wider Etihad Campus is largely comprised of hardstanding in order to provide on-site parking. Residential development is present to the south of the application site off of Darley Street.

Description of development

The application seeks temporary planning permission for the retention of 34no relocated/newly installed catering units for a period of four years.

The relocation of catering units has been necessitated by the ongoing improvement works to the Etihad's North Stand and it's associated construction compound.

The units would be comprised of various catering, retail and WC units and would be situated around the entirety of the stadium's ring road/concourse, with the exception of it's northern end. A proposed match day hub comprising of 12no portacabins would be situated in the Grey Car Park and would provide space for the likes of security and other services utilised in matchday operations.

Planning History

136763/FO/2023 - Alterations to the Etihad Stadium North Stand and adjoining land to provide an overall increase in Stadium capacity, hospitality, and concourse facilities available for use both during and outside of event days, an ancillary TV Studio (Sui Generis), a Roof-Walk Attraction (Use Class F1(c)) together with the erection of a 9 storey, 391 bed hotel (Use Class C1) with a further 10 suites provided within the North Stand of the Etihad Stadium for hotel or hospitality space (Use Class C1 / Sui Generis); restaurant at Level 1 (Use Class C1 / Class E), erection of an 8-storey building comprising: a new Club Shop and Ticket Office (Use Class E) at Ground and Level 1, City Museum at Level 2, Leisure Attraction at Level 3 (Class F1(c)); and workspace (Class E) at Levels 4, 5, 6 and 7 and a new covered City Square fan zone and flexible event space with ground floor commercial, leisure, food and drink use (Use Class E and/ or drinking establishment (Sui Generis)) within each of the interrelated buildings adjoining the proposed square with associated landscaping and public realm works, servicing and access arrangements, and other associated works – Approved July 2023.

136433/FO/2023 - External alterations including 2no. new entrances, access ramp, metal railings and roller shutters in association with use of the City@Home building as a club shop – Approved June 2023.

135764/FO/2022 - Site improvement works comprising site investigation and remediation activity in respect of historic coal mining activity, including trial piling and grouting of coal seams, demolition of the club shop, service and drainage diversions and associated temporary works to maintain safe access around the stadium – Approved July 2023.

132161/FO/2021 - Temporary planning permission for 34 catering/retail/activation units around the ring road of the Etihad stadium, as well as in the City Square area to the North of the stadium, for a period of 5 years – Temporarily Approved January 2022.

Consultations & Notification Responses

Cadent Gas – No objection subject to an informative relating to Cadent Gas infrastructure.

Counter Terrorism Policing North West – No objection received.

Environmental Health – No objection.

Greater Manchester Police – No objection.

Highways – No objection upon submission of further information.

Transport for Greater Manchester – No objection.

Publicity – None received.

Policy

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy CC5 – Transport
- Policy EC7 – Eastlands Strategic Employment Location
- Policy C10 – Leisure and the Evening Economy
- Policy DM1 – Development Management

Saved Unitary Development Plan for Manchester - The following saved UDP Policies are of relevance to this application:

- Policy 26 – Development and Noise

Eastlands Regeneration Framework – Adopted in 2011 and updated in 2017 (ERF)

National Planning Policy Framework (NPPF)

- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places

Other Legislative Requirements

National Planning Policy for Waste

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester’s development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council’s Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning

applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Issues

Principle of Development

The proposal would see the retention of 34no newly installed/relocated catering units to the east, south and west of the Etihad Stadium during ongoing works to the stadium's north stand for a period of four years. The Etihad prior to the works undertaken was already served by catering units that provide additional infrastructure on match/event days in the form of food provision, WCs and information kiosks. It is considered such infrastructure is necessary for the operation of the Etihad as a major sports and entertainment venue that contributes to the entertainment economy of Manchester. On this basis the proposal is acceptable in principle and is in accordance with Core Strategy Policies SP1, EC7 and C10, and the Eastland Regeneration Framework, subject to the matters discussed below.

Visual Amenity

The proposed catering units would be standard shipping container and portacabin units, with them being finished in a variety of colours. The units would be seen in the wider context of the Etihad Stadium, with them appearing as subservient ancillary buildings. Whilst such units would not be considered to be acceptable from a design perspective if proposed to be permanently retained on site, however, considering how they are only to be located on site for a period of 4no years, it is considered their impact on the street scene would not be so severe as to warrant a refusal. As such, it is considered that the development is acceptable in this regard and is in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

Residential Amenity

As noted previously within this report, residential development lies to the south of the application site. Due to how the proposed catering units would serve the Etihad Stadium, a major sports/entertainment venue, it is considered that the proposed units would not cause such a level of noise generation/disturbance that would warrant a refusal. Environmental Health and Greater Manchester Police do not object to the proposal. Additionally, said units are only proposed to be in use on match/event days. As such, it is considered that the development is acceptable in this regard and therefore accords with Core Strategy Policy DM1, Saved Unitary Development Plan Policy DC26 and the National Planning Policy Framework.

Highway Safety

The application would be located on private land away from the public highway. Notwithstanding this however, the concourse area of the Etihad is frequented by pedestrians and maintenance vehicles. Upon request evidence has been provided that has demonstrated that emergency and construction vehicles can still access the site easily. Highways do not object to this arrangement. As such, it is considered that the proposal's impact on highway safety is acceptable and in accordance with Core Strategy Policy CC5 and the National Planning Policy Framework.

Waste Management

The application has been accompanied by a waste proforma that details the proposed waste management arrangements will follow that of the existing one on site, this being that bins are stored within gate 15's waste compound and that after matches/events bins are presented at gate

15 for collection. Environmental Health do not object to this arrangement. Subject to a condition that will see the development proceed in accordance with said details, it is considered the development is acceptable in this regard and therefore accords with Core Strategy Policy DM1 and the National Planning Policy for Waste.

Other Matters

It is noted that 3no gas pipelines intersect the application site at various points. Cadent Gas do not object to the proposal but do request that in the event of an approval an informative be attached notifying the applicant of their responsibilities when working within the vicinity of said infrastructure. Subject to such an informative the development is acceptable in this regard.

Conclusion

In light of the above the proposal has been found to be acceptable and in accordance with Core Strategy Policies SP1, CC5, EC7, C10 and DM1, Saved Unitary Development Plan Policy DC26, the Eastlands Regeneration Framework, The Places for Everyone Plan, The National Planning Policy for Waste and The National Planning Policy Framework. On this basis the proposal is recommended for approval.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance, this has included ongoing advice that has resolved the issues associated with the proposal.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The permission hereby granted is for a limited period only, expiring on 29 November 2027.

Reason - The use hereby granted is for a temporary period only to help meet the short term demand for facilities at the site and to allow a long term strategy to be put in place pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

2) The use and buildings hereby permitted shall be discontinued no later than the 29 November 2027 and the buildings and works comprising the development are required to be removed no later than one month from the use ceasing.

Reason - The use and buildings are required to cease and be removed from site within a specified timescale in order to allow reinstatement of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) Within one month of the expiration of the temporary period, a scheme to restore the land shall be submitted for approved in writing by the City Council, as Local Planning Authority. The scheme shall be implemented within one month of the use ceasing and thereafter retained and maintained in accordance with this scheme.

Reason - To ensure that the land is reinstated to an appropriate standard in the interest of visual amenity and to restore the recreational value of the site pursuant to policies SP1, EN9, EN10 and DM1 of the Manchester Core Strategy (2012).

4) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- o SID23056 - 102 Rev A: Proposed Site Plan (Received 05/10/2023)
- o SID23056 - 103: Section A - Match Day Hub (Received 19/09/2023)
- o SID23056 - 104: Section B - Summerbee Bar (Received 19/09/2023)
- o SID23056 - 105: Section C - Staff Feeding Units (Received 19/09/2023)
- o SID23056 - 06: Section D - MCFC Retail Units (Received 19/09/2023)
- o SID23056 - 107: Section E - Fan Support Offices (Received 19/09/2023)
- o 23006(00)-000-1-01: Section F - Branded Food Units (Received 19/09/2023)
- o 23506 - 109: Section G - Accessible, Female, Male Toilets (Received 19/09/2023)
- o OPP1308733: Support Service Office (Received 19/09/2023)
- o OPP129975: Accreditation Building (Received 19/09/2023)
- o Fan Support Offices Document (Received 19/09/2023)
- o Fan Support Cabins Document (Received 19/09/2023)
- o Etihad Stadium Projects Document (Received 19/09/2023)
- o East Strand Bars Specification (Received 19/09/2023)

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

5) No materials shall be used on the external elevations of the proposed development other than those referred to on the approved plans / supporting documentation.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

6) The development hereby approved shall be operated in accordance with the measures included within the submitted Waste Management Proforma (Received 11/10/2023).

Reason - In the interest of securing good waste provision on site in accordance with Core Strategy Policy DM1 and the National Planning Policy for Waste.

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Transport For Greater Manchester
Counter Terrorism Policing North West (CTPNW)

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
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Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL